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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 7th April, 1967:—

BILL No. 10 OF 1967

*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.

2. In article 368 of the Constitution,— Amendment of article 368.

(*a*) the following clause shall be inserted, namely:—

"(1) Any provision of this Constitution may be amended in accordance with the procedure hereafter provided in this article.";

(*b*) the existing article shall be numbered as clause (2); and

(c) in clause (2), as so numbered, for the words "An amendment of this Constitution", the words "An amendment of any such provision" shall be substituted.

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## STATEMENT OF OBJECTS AND REASONS

Doubt and confusion have arisen as a result of the recent judgment of the Supreme Court in I. C. Golak Nath and others *versus* the State of Punjab etc., as regards the competence of Parliament to amend the articles incorporating Fundamental Rights. The issue raised is of cardinal importance to the supremacy of Parliament. This supremacy implies the right and authority of Parliament to amend even the Fundamental Rights. Just as Parliament can extend these rights it can in special circumstances also modify them. The Bill seeks to assert this and remove any doubt that might have arisen as a result of the said judgment.

NEW DELHI;
*The 9th March*, 1967.

NATH PAI.

BILL NO. 5 OF 1967

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 1967.

Amendment of article 155.

**2.** To article 155 of the Constitution, the following proviso shall be added, namely:—

"Provided that every such appointment shall be subject to ratification by the Houses of Parliament and the Governor shall not enter upon his office unless his appointment has been so ratified."

## STATEMENT OF OBJECTS AND REASONS

Some recent developments have abundantly demonstrated that the office of Governor of a State is more than ceremonial and ornamental. The duties of the office are to be discharged in an impartial manner and in accordance with the provisions of the Constitution. Partisan preferences and prejudices must not be permitted to vitiate the judgment and vision of those who are called upon to assume this office. Such an attitude alone will strengthen the unity of the nation while at the same time upholding its federal spirit.

NEW DELHI;
*The 9th March*, 1967.

NATH PAI.

BILL NO. 33 OF 1967

*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1967.

Amendment of the Eighth Schedule.

2. In the Eighth Schedule to the Constitution, after entry 10, the following new entry shall be inserted, namely:—

"10A. Rajasthani".

## STATEMENT OF OBJECTS AND REASONS

Under the Eighth Schedule to the Constitution, only 14 languages of India have been recognised. "Rajasthani" is one of the major languages of India spoken by nearly two crores of people and claims vast literature dating back to centuries. It is but fair that "*Rajasthani*" language is also recognised as one of the major languages and incorporated in this Schedule.

The Bill seeks to achieve this objective.

NEW DELHI;
*The 16th March*, 1967.

KARNI SINGH.

BILL No. 31 OF 1967

*A Bill further to amend the Indian Telegraph Act, 1885 and the Indian Post Office Act, 1898.*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Personal Liberties (Restoration) Act, 1967.

(*2*) It shall come into force at once.

2. Section 5 of the Indian Telegraph Act, 1885, shall be omitted Amendment of Act 13 of 1885

3 Section 26 of the Indian Post Office Act 1898, shall be omitted. Amendment of Act 6 of 1898.

## STATEMENT OF OBJECTS AND REASONS

Section 5 of the Indian Telegraph Act, 1885 empowers the Central and State Governments to take possession of licensed telegraphs and to order interception of messages. Similarly, under section 26 of the Indian Post Office Act, 1898, the Government is authorised to intercept postal articles for public good. These sections were incorporated in the relevant Acts when India was under British rule and they have not so far been omitted. The present Bill seeks to omit these sections so as to safeguard the personal liberties of free citizens of India.

NEW DELHI; YASHPAL SINGH.

*The 16th March*, 1967.

BILL NO. 29 OF 1967

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.

2. In article 368 of the Constitution, Amendment of article 368.

(*i*) clause (*a*) of the proviso shall be renumbered as clause (*aa*); and

(*ii*) before clause (*aa*) as so re-numbered, the following clause shall be inserted, namely:—

(*a*) Part III.

## STATEMENT OF OBJECTS AND REASONS

While upholding the validity of the Constitution (Seventeenth Amendment) Act, 1964, the Supreme Court has opined that it would be better if the proviso to article 368 of the Constitution of India is amended to provide for the ratification of any amendment to Part III of the Constitution by State Legislatures. The present Bill aims to give effect to the suggestion made by the Supreme Court.

NEW DELHI; YASHPAL SINGH.

*The 16th March*, 1967.

BILL NO. 30 OF 1967

*A Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959.*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Parliament (Prevention of Disqualification) Amendment Act, 1967. Short title.

10 of 1959. 2. In clause (*a*) of section 3 of the Parliament (Prevention of Disqualification) Act, 1959, the words "or for any State" shall be omitted. Amendment of Section 3.

## STATEMENT OF OBJECTS AND REASONS

The main purpose of the Bill is to prevent a Member of Parliament from becoming a Minister in any State without resigning his seat in Lok Sabha or Rajya Sabha. If he fails to do so, he will incur a disqualification and the President will be moved under article 103 of the Constitution to declare his seat vacant.

NEW DELHI; YASHPAL SINGH.

*The 16th March,* 1967.

BILL No. 34 OF 1967

*A Bill further to amend the Indian Telegraph Act, 1885.*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Telegraph (Amendment) Act, 1967. Short title.

2. Clause (*b*) of sub-section (*1*) of section 5 of the Indian Telegraph Act, 1885 shall be omitted. Amendment of section 5.

13 of 1885

## STATEMENT OF OBJECTS AND REASONS

Under sub-section (1) (b) of section 5 of the Indian Telegraph Act, 1885, the State Governments have been authorised to intercept telegrams in certain cases. It is proposed to omit this provision so that the inherent right of a citizen in corresponding with another is not hampered.

NEW DELHI;
*The 16th March*, 1967.

YASHPAL SINGH.

BILL No. 32 OF 1967

*A Bill further to amend the Code of Civil Procedure, 1908.*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Code of Civil Procedure (Amendment) Act, 1967. Short title and commencement.

(*2*) It shall come into force at once.

5 of 1908.

2. Section 80 of the Code of Civil Procedure, 1908 shall be omitted. Omission of section 80.

## STATEMENT OF OBJECTS AND REASONS

A statutory provision for protection for the State or public officials as against the citizens is out of date. Countries which have been concerned with the maintenance of the rule of law have made progress in the direction of equating the citizen with the State, curbing bureaucratic excesses and enabling the citizens to obtain cheaply and expeditiously any relief against the State or public agencies or officers that they may be entitled to. Articles 32, 226 and 227 of the Constitution reflect a similar approach. Innumerable cases can be cited where grave prejudice is caused by section 80 of the Civil Procedure Code to plaintiffs by the rigidity of the section and other analogous statutes. This section works great hardship upon the citizen because it exposes him to the risk of being non-suited merely because of a defect in the notice served prior to the suit. This section also makes it difficult for the citizen to obtain urgent, interim relief against a threatened Government action and this causes him great prejudice. The amendment seeks to remove these anomalies and establish equality before the law between the State and the citizen.

NEW DELHI; NATH PAI.

*The 16th March*, 1967.

BILL NO. 35 OF 1967

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.

2. In article 105 of the Constitution, after clause (2), the following clause shall be inserted, namely:— Amendment of article 105.

"(2A) No member of Parliament shall be liable to arrest under criminal process except where—

(*i*) the arrest has been sanctioned by a standing committee of members of Parliament under the chairmanship of

the Speaker of the House of the People or the Chairman of the Council of States, as the case may be; or

(*ii*) the member has been apprehended in the act of committing a cognisable offence."

Amendment of article 194.

**3.** In article 194 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

"(*2A*) No member of the Legislature of a State shall be liable to arrest under criminal process except where—

(*i*) the arrest has been sanctioned by a standing committee of members of the Legislature under the chairmanship of the Speaker or the Chairman, as the case may be, of the House of such Legislature; or

(*ii*) the member has been apprehended in the act of committing a cognisable offence."

## STATEMENT OF OBJECTS AND REASONS

Immunity from arrest is among the fundamental guarantees of a democracy and also of a free Parliament. It has happened in the past that legislators have been put behind bars on the slightest pretext though with the appearance of legality. This practice thus becomes a mockery of Parliamentary democracy, and grossly interferes with the discharge of duties by legislators. If Parliament and State Assemblies are to function properly, and with full freedom the immunity from arrest, as enjoyed in other countries, should be available to the legislators in India also.

Hence this Bill.

NEW DELHI; NATH PAI.

*The 18th March*, 1967.

BILL No. 37 OF 1967

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 1967.

Insertion of new article 339 A.

**2.** After Article 339 of the Constitution, the following article shall be inserted, namely:—

Control of the Union

**"339A. (1) The President may at any time and shall at the expiration of eighteen years from the commencement of this**

**Constitution by order appoint a Commission to report on the welfare of the Scheduled Castes in the States.**

over the welfare of the Scheduled Castes.

The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable.

(2) The executive power of the Union shall extend to the giving of directions to a State as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Castes in the State".

## STATEMENT OF OBJECTS AND REASONS

Even after nineteen years of independence, with three Five Year Plans, the condition of the Scheduled Castes in the country has not substantially improved socially, economically or educationally and there has not been any proper and comprehensive assessment of the progress made by them so far. Hence, a Commission is quite necessary to evaluate the progress made and to report on the welfare of the Scheduled Castes.

Besides, the schemes under the Five Year Plans for the welfare of the Scheduled Castes and most of the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes year by year are not implemented by the State Governments expeditiously and effectively. It is very necessary and desirable that the Central Government should be invested with power to issue directions to the States to implement them.

Hence this Bill.

NEW DELHI; S. M. SIDDAYYA.

*The 21st March,* 1967.

## FINANCIAL MEMORANDUM

The appointment of a commission for the Scheduled Castes will entail expenditure from the Consolidated Fund of India on account of the travelling expenses of the Members of the Commission and the staff required for it. It will be approximately Rs. 25,000/-.

S. L. SHAKDHER,
*Secretary.*

## *CORRIGENDA*

In the Gazette of India Extraordinary, Part II—Section 2—

1. No. 50, dated the 1st November, 1966:—
   (i) Page 953, line 29, *for* 'defi' *read* 'define'; and
   (ii) Page 962, line 19, *for* 'effcct' *read* 'effect'.
2. No. 51, dated the 1st November, 1966:—
   (i) Page 1007, line 5, *for* clause No. '4.' *read* '44.'; and
   (ii) Page 1010, Side-line the last para.
3. No. 52, dated the 1st November, 1966:—
   (i) Page 1081, marginal heading to clause 13, *before* 'for' *insert* 'Search';
   (ii) Page 1101, marginal heading to clause 50, *before* 'co-owners' *insert* 'Rights of'; and
   (iii) Page 1147, *read* 'Fees.' as marginal heading to clause 142.
4. No. 55, dated the 7th November, 1966:—
   (i) Page 1184, line 12, *read* '1 of 1956.' as marginal reference; and
   (ii) Page 1195, line 8 from bottom, *for* '4A' *read* '5A'.

5. No. 61, dated the 21st November, 1966:—

Page 1248, line 12, *read* '43 of 1951.' as marginal reference.

6. No. 64, dated the 25th November, 1966:—

(i) Page 1281, date of the Gazette, *for* 'December 25, 1966' *read* 'November 25, 1966' both in Hindi and English; and

(ii) Page 1281, line 2 from bottom, *for* 'Twentieth' *read* 'Twenty-third'.

7. No. 68, dated the 4th November, 1966:—

(i) Page 1341, para 5, *for* 'nine' *read* 'ten';

(ii) Page 1346, line 14 from bottom, *for* 'foodgrains seed' *read* 'foodgrain seeds'; and

(iii) Page 1357, line 5 from bottom *under line* the figure '7'.

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